

## MICHIGAN'S RIGHT TO FARM ACT FAQ

### **1. What is the Right to Farm Act?**

The Right to Farm Act is a State law that was created in 1981. In the past century, people with limited understanding of farming were moving into rural areas. Typical farming conditions (dust, odors, etc.) and activities on nearby farms were unacceptable to new residents and sometimes nuisance suits were filed against the farmer. The Right to Farm Act was created in response to an increase in complaints and lawsuits. The Act provides a defense in nuisance lawsuits brought against the farmer by neighbors when the farmer is conforming to Generally Accepted Agricultural and Management Practices (GAAMPs) or when the farm existed prior to a change in land use in the surrounding area.

#### **1.5 Who administers the Right to Farm Act?**

The Michigan Department of Agriculture & Rural Development (MDARD) is the state agency in Michigan that administers the Right to Farm Act. This is done through a program in MDARD's Environmental Stewardship Division.

### **2. What is a GAAMP?**

A GAAMP is a Generally Accepted Agricultural and Management Practice that a farmer may voluntarily use, and if the practice is followed, the farmer may use the Right to Farm Act as a defense in a nuisance lawsuit. The Act gives the Michigan Commission on Agriculture and Rural Development the authority to issue GAAMPs.

### **3. How are GAAMPs Developed?**

GAAMPs are developed using a committee structure that includes representatives from the farm industry, universities, and various units of government. GAAMPs are developed using sound science and are intended to provide uniform, statewide standards and management practices for various aspects of farming.

### **4. How many GAAMPs are there?**

There are currently eight sets of GAAMPs that have been established for the following areas:

- a. Manure Management and Utilization (1988 – year of adoption)
- b. Pesticide Utilization and Pest Control (1991)
- c. Nutrient Utilization (1993)
- d. Care of Farm Animals (1995)
- e. Cranberry Production (1996)
- f. Site Selection & Odor Control for New and Expanding Livestock Production Facilities (2000)
- g. Irrigation Water Use (2003)
- h. Farm Markets (2010)

### **5. How often are the GAAMPs updated?**

GAAMPs are reviewed each year and updated as needed based on new scientific discoveries and changes in applicable laws and regulations.

**6. What is the process for updating a GAAMP?**

The committee associated with the development and annual review of each set of GAAMPs meets during the course of a year to discuss the existing provisions and to determine if the GAAMP should be modified. The committee makes a written recommendation to the Commission of Agriculture and Rural Development (Commission) which has final authority to approve or propose further modifications. Approval of modifications typically occurs in December by the Commission—Revised GAAMPs typically take effect in January of the calendar year after adoption by the Commission.

**7. Is there an opportunity for public review and comment about proposed GAAMP modifications?**

Yes. Copies of proposed modifications are available to the general public via the internet or by contacting the Michigan Department of Agriculture and Rural Development at 517-241-4366. Proposed modifications are typically available in August of the year the GAAMP is recommended for modification. The public has 30 days to provide comment on the proposed recommendations.

**8. Does Right to Farm give me the right to farm my land?**

No. The Right to Farm Act provides an affirmative defense to nuisance lawsuits. Although the law is called “Right to Farm” it technically does not give the landowner an entitlement or a “right” to conduct farming on any or all property.

**9. Does Right to Farm prevent lawsuits against farmers?**

No. The Right to Farm law simply provides a defense against nuisance lawsuits in rural areas. It does not stop someone from filing a lawsuit against you.

**10. Is it true that Right to Farm protection preempts local zoning ordinance restrictions on farming?**

In most cases local zoning ordinances may not restrict an established farming operation, if that farm is being operated in accordance with existing GAAMPs. In other words, GAAMPs are the statewide standards for farming practices in Michigan. However, activities not covered by the Right to Farm Act or GAAMPs are subject to local zoning ordinances.

**11. Are there instances where farming may be prohibited or restricted by local zoning given the Right to Farm zoning preemption?**

The GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Production Facilities includes provisions that exclude the development of new livestock facilities and the expansion of existing livestock facilities in areas where zoning does not permit agriculture. In these instances when land is zoned for residential use and is not zoned for agricultural use, the siting of livestock facilities and the expansion of livestock facilities would not be approved under the Site Selection GAAMPs. Those facilities that do not comply with the Site Selection GAAMPs are not entitled to the defense to nuisance lawsuits provided under the Act.